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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/160,424 09/25/98 SCHNEEBELI

S 1215

021396 TM02/0409
SPRINT COMMUNICATIONS COMPANY
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KANSAS CITY MO 64114

EXAMINER

WILLETT, S

ART UNIT

PAPER NUMBER

2152

DATE MAILED:

04/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/160,424

Applicant(s)

Schneebell et al.

Examiner

Stephan Willett

Group Art Unit

2152



☒ Responsive to communication(s) filed on Sep 25, 1998 et al.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-54 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-54 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrel et al. with Patent Number 6,199,082 B1 in view of Change et al. with Patent Number 6,134,584.
5. Regarding claims 1, 5, 7, 13-16, 19, 25, 32-34, 38, 41-42, 46-47, 52, Ferrel teaches a system to publish network content.

6. Ferrel teaches *first and second production servers* at col. 9, lines 34-37.
7. Ferrel teaches *a staging area to publish content on command* at col. 10, lines 23-25.
8. Ferrel teaches the invention in the above claim(s) except for explicitly teaching *a scheduling system*. In that Ferrel operates to publish data, the artisan would have looked to the content network arts for details of implementing a publishing system. In that art, Change, a related network content provider, teaches downloading of data, col. 5, lines 52-54 in order to provide data at a specified time. Change specifically teaches "scheduling data download" at col. 5, lines 59-63. Further, Change suggests that "this invention includes the abilities of allowing the user to schedule data download from those web cites requiring user id and password", col. 6, lines 63-65 will result from implementing the scheduled publish commands. The motivation to incorporate a data scheduling insures that data is timely sent. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the schedule system as taught in Change into the publisher described in Ferrel because Ferrel operates with network content and Change suggests that optimization can be obtained when publishing content. Therefore, by the above rational, the above claims are rejected.
9. Regarding claim(s) 2, Ferrel teaches *a file server* at col. 9, lines 33 and 50. Thus, the above claim limitations are obvious in view of the combination.
10. Regarding claim(s) 3, 10, 17, 20-23, 30, 37, 43, 48, Change teaches *a firewall and user security* at col. 10, lines 15-17. Thus, the above claim limitations are obvious in view of the combination.
11. Regarding claim(s) 4, 18, 35, 39, 44, 49, Ferrel teaches *processing for a plurality of servers* at col. 11, lines 32-35. Thus, the above claim limitations are obvious in view of the

combination.

12. Regarding claim(s) 6, 9, 11, 24, 27-28 and 31, Ferrel teaches *adding or changing additional content* at col. 10, lines 55-58. Thus, the above claim limitations are obvious in view of the combination.

13. Regarding claim(s) 8, 12, 26, Change teaches *canceling content delivery* at col. 6, lines 47. Thus, the above claim limitations are obvious in view of the combination.

14. Regarding claim(s) 11, 12, 29, 36, 40, 45, 50, Ferrel teaches *providing information such as log files and status information* at col. 15, lines 30-42. Thus, the above claim limitations are obvious in view of the combination.

15. Regarding claim(s) 51, 53-54, Ferrel teaches *replicating content and verifying content* at col. 15, lines 1-10. Thus, the above claim limitations are obvious in view of the combination.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9731.

19. Any inquiry of a general nature or relating to the status of this application or proceeding

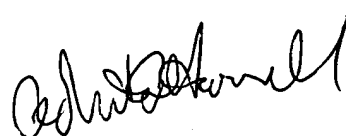
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should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

March 29, 2001

A handwritten signature in black ink, appearing to read "Robert B. Harrell", written in a cursive style.

**ROBERT B. HARRELL
PRIMARY EXAMINER**